



COME NOW B. Frazier Management, Inc. and Brian Frazier (hereinafter “Plaintiffs”), and file this their request to strike **Defendant’s Plea to the Jurisdiction and Motion to Dismiss for Lack of Subject Matter Jurisdiction** (hereinafter the “Plea to the Jurisdiction”), or, alternatively, to deny the same on the following grounds:

1. At the hearing held January 24, 2022, on Plaintiffs’ Motion for Remand, this Court ordered that the adversary would be tried in this Court and that, since the Debtor had been set for a final jury trial setting on Monday, June 28 ,2021, which did not go forward due to the imposition of the automatic stay on the filing of the Voluntary Chapter 11 Petition at 5:50p.m. on Friday, June 25, 2021, no further dispositive motions would be permitted.

2. Again, at the Status Conference held on February 7, 2022, when Debtor’s counsel asserted that they wanted to file a motion for summary judgment, this Court again advised that the State Court had already heard and denied summary judgment motions and that we would proceed to trial. At that time March 7 was also set to address any motions in limine or other pretrial motions. As Debtor’s counsel requested that the March 7 hearing be cancelled, they also are now barred from seeking consideration of the Plea to the Jurisdiction at this time.

3. Both prior Pleas to the jurisdiction filed by Debtor in state court were also considered and denied as set forth in the Orders of June 18, 2021. Thus, such denials are now also law of the case; and

4. Furthermore, Debtor sought a writ to overturn denial of its pleas to the jurisdiction in the 2<sup>nd</sup> Court of Appeals that was denied on May 12, 2020. This denial was taken up to the Texas Supreme Court with the final petition for rehearing being denied on October 16, 2020 and thus cannot be revisited by this Court.

5. Debtor’s plea does not identify any change in the law or make any new arguments that have not already been denied multiple times, but multiple judges and courts. To the extent

this Court wishes to revisit and consider these arguments. FAM incorporates its pretrial brief and its proposed finding of fact and conclusions of law filed in advance of trial, as if laid out in full. Those briefs fully incorporate all relevant law and facts needed by the Court to deny the Plea to the Jurisdiction filed.

WHEREFORE, B Frazier Asset Management and Brian Frazier request that this Court strike Defendant's Motion to Dismiss as an improper pleading or, alternatively, deny the same for all the reasons set forth herein.

Dated: April 1, 2022

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the forgoing document was served on April 1, 2022 by electronic transmission through the Court's automated Case Management and Electronic Docketing System for the U. S. Bankruptcy Court for the Northern District of Texas, Fort Worth Division, on all parties-in-interest submitting to service of papers in this case by said means.

/s/ Lyndel Anne Vargas \_\_\_\_\_  
Lyndel Anne Vargas



**COURT OF APPEALS**  
**SECOND DISTRICT OF TEXAS**

CHIEF JUSTICE  
BONNIE SUDDERTH

JUSTICES  
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ELIZABETH KERR  
J. WADE BIRDWELL  
DABNEY BASSEL  
DANA WOMACK  
MIKE WALLACH

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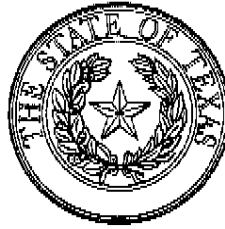
DATE TRANSMITTED: 5/12/20 TIME TRANSMITTED: 5:10 pm

NUMBER OF PAGES TRANSMITTED: 3 (including this page)

MESSAGE:

Please see attached document from the court.

Thank you.



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-20-00032-CV

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IN RE ANSON FINANCIAL, INC., Relator

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Original Proceeding  
Trial Court No. 342-288776-16

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Before Wallach, Gabriel, and Kerr, JJ.  
Per Curiam Memorandum Opinion

## MEMORANDUM OPINION

The court has considered the parties' briefing and the mandamus record and is of the opinion that relief should be denied. Accordingly, relator's petition for writ of mandamus is denied.

Per Curiam

Delivered: May 12, 2020

RE: Case No. 20-0410

DATE: 10/16/2020

COA #: 02-20-00032-CV

TC#: 342-288776-16

STYLE: IN RE ANSON FINANCIAL, INC.

Today the Supreme Court of Texas denied the motion for rehearing in the above-referenced petition for writ of mandamus.

MR. CALEB ISRAEL MOORE  
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\* DELIVERED VIA E-MAIL \*